

# MAYOR & COUNCIL AGENDA COVER SHEET

**MEETING DATE:**

August 21, 2006

**CALL TO PODIUM:**

Jim Arnoult

**RESPONSIBLE STAFF:**

Jim Arnoult

**AGENDA ITEM:**

(please check one)

	Presentation
	Proclamation/Certificate
	Appointment
	Public Hearing
	Historic District
X	Consent Item
	Ordinance
	Resolution
	Policy Discussion
	Work Session Discussion Item
	Other:

**PUBLIC HEARING HISTORY:**

(Please complete this section if agenda item is a public hearing)

Introduced	
Advertised	
Hearing Date	
Record Held Open	
Policy Discussion	

**TITLE:**

Resolution of the Mayor and City Council of Gaithersburg Authorizing the City Manager to enter into an agreement to share stormwater management facility repair costs with the Bennington Community (\$32,250).

**SUPPORTING BACKGROUND:**

To comply with Federal and State regulations the City inspects public and private stormwater management (SWM) facilities on a periodic basis. Recently, the City's inspection contractor inspected the SWM facilities in the Bennington Community and determined that repairs are necessary.

The Bennington Community has a privately maintained storm drain system that is designed to provide SWM on common property grass areas. The inspection identified needed maintenance and repairs as well as a significant section of settled storm drain pipe.

The Bennington Community sought estimates on their own to make the repairs. The low bidder was MARCOR Remediation, Inc. of Baltimore. The costs for all repairs are as follows:

Repair Upper Facility #77	\$ 5,600
Min. Repairs to Facility #332	\$10,800
Repair of Settled Pipe @ #332	\$32,250

City residential property owners now pay a Water Quality Protection Charge, and the Mayor and City Council made a policy decision to use these funds to assist common ownership communities with SWM improvements. We will be working with a number of communities in the near future to upgrade their SWM facilities and eventually take over major maintenance.

In the past Bennington has asked us to maintain their storm drain system but we have declined to accept the maintenance for a variety of reasons including potential liability.

While staff does not believe the City should assume maintenance of these facilities, we do believe City participation using the Water Quality Protection Charge funds is appropriate.

Staff has reached a tentative agreement in which the City will contribute \$32,250 to this project, and the Bennington community would pay the remaining \$16,400 and will retain primary maintenance responsibility for their SWM and storm drain systems. Sufficient funds are available in the CIP.

**DESIRED OUTCOME:**

Vote on Resolution

REQUEST FORM FOR RESOLUTIONS PERTAINING  
TO EXPENDITURES FROM THE CITY BUDGET  
(CONTRACTS/PURCHASES, TRANSFER FUNDS)

Requested by: James D. Arnoult Date of City Council Meeting: August 21, 2006

## AUTHORIZING

**AUTHORIZING**

Purchase \_\_\_\_\_ Award Contract   X   Transfer Funds \_\_\_\_\_ Negotiate/  
Execute a Contract \_\_\_\_\_

**BID INFORMATION:**

Bids Opened/Tabulated (date) April 4, 2006

**DESCRIPTION OF ITEM(S):**

(Be specific; include quantity, item name, model number, etc.)

Share SWM Repair costs with Bennington Community Association, 29 Goodport Lane,  
Gaithersburg, MD 20878

**CONTRACTED/PURCHASE FROM:**

Company Name: Bennington Community Association

Street Address: 29 Goodport Lane

P. O. Box Number \_\_\_\_\_

City/State/Zip: Gaithersburg, MD 20878

**CONTRACT/PURCHASE AMOUNT:** \$32,250

Check One: ☒ In the Estimated Amount of   X   Not to Exceed           

**FUNDS TO BE EXPENDED FROM:** Operating Budget \_\_\_\_\_ Capital Improvements Budget X \_\_\_\_\_

Account Number: 3311 598000 CIP # 82-1 Stormwater Management Program

(For Finance Department use only; not to be included in the Resolution)

### **VERIFICATION OF AVAILABILITY OF FUNDS**

Available ☒ Not available ☐

Finance Dept. 8/17/06 Date

Resolution No. \_\_\_\_\_

RESOLUTION OF THE MAYOR AND CITY COUNCIL  
AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT TO  
SHARE STORMWATER MANAGEMENT FACILITY REPAIR COSTS WITH THE  
BENNINGTON COMMUNITY

WHEREAS, it has been determined that repairs to the stormwater management facilities should be made in the Bennington Community, and

WHEREAS, the Bennington Community obtained price quotations to make repairs to the stormwater management facilities in the their Community on April 4, 2006; and

WHEREAS, the Mayor and Council have determined to participate in the cost of making the repairs to the Bennington Community stormwater management facilities; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of Gaithersburg, that the City Manager be and he hereby is authorized to enter into an agreement to share stormwater management repair costs with the Bennington Community, 29 Goodport Lane, Gaithersburg, Maryland 20878, in the amount of Thirty Two Thousand Two Hundred Fifty Dollars (\$32,250); said funds to be expended from the Capital Improvements Program.

ADOPTED by the Mayor and City Council this 21<sup>st</sup> day of August, 2006.

\_\_\_\_\_  
Sidney A. Katz, Mayor

THIS IS TO CERTIFY that the foregoing  
Resolution was adopted by the City Council  
in public meeting assembled on the 21<sup>st</sup> day  
of August, 2006.

\_\_\_\_\_  
David B. Humpton, City Manager